

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Bruce Bernard/797-1240 and Chief Don DiPetrillo/797-1211 by Herb Hyman/797-1016

SUBJECT: Resolution

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONSTRUCTION OF THE OAKES ROAD FIRE/RESCUE STATION.

REPORT IN BRIEF: A competitive bid was conducted for construction of the Oakes Rd. Fire/Rescue station. The Town sent out specifications to twenty-two (22) prospective bidders. Additionally, the bid was advertised state-wide in Florida Bid Reporting and nationally in BidNet and also posted on the Town's web site. The Town received five (5) bids. The bid from DiPompeo Construction Corporation was determined to be "non-responsive" as they did not submit a detailed Schedule of Values and a list of subcontractors which were required submittals. Repeated efforts to obtain these documents was unsuccessful. Therefore, the recommendation is for Pino Kaoba & Associates, Inc. as the lowest responsive and responsible bidder for the base bid plus alternates 1,2,3, and 7.

PREVIOUS ACTIONS: Not applicable

CONCURRENCES: The recommended award has been reviewed by the Public Works/Capital Projects Director and the Bid Specification Committee who concur with the decision to award to Pino Kaoba & Associates, Inc. The Town Attorney's office reviewed and approved the dismissal of the bid from DiPompeo Construction Corporation as a "non-responsive" bidder.

FISCAL IMPACT:

Has request been budgeted? yes

If yes, expected cost: \$2,364,268.00

Account Name: Capital Improvement Program-Fire Protection Services-New Station-
East Account Number 030-3004-522-6204

Additional Comments: An Ordinance will be forthcoming appropriating \$300,000.00 from Fire Impact Fees to fully fund this project.

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s):

Procurement Authorization

Bid Opening Report

Award recommendation memo from Capital Projects

Award recommendation from consulting Engineer

November 3, 2004 memo from Town Attorney's Office

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR
CONSTRUCTION OF THE OAKES ROAD FIRE/RESCUE STATION.

WHEREAS, the Town is in need of the construction of the Oakes Rd. Fire/Rescue station; and

WHEREAS, the Town solicited sealed bids for such construction services; and

WHEREAS, after review, the Town Council wishes to accept the bid from Pino Kaoba & Associates, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE,
FLORIDA:

SECTION 1. The Town Council hereby accepts the base bid plus alternates 1,2,3, and 7 from Pino
Kaoba & Associates, Inc. for construction of the Oakes Road Fire/Rescue station in the amount of \$2,364,268.00.

SECTION 2. The Town Council hereby authorizes the expenditure from the Capital Improvement
Program-Fire Protection Services-New Station-East Account Number 030-3004-522-6204.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2004

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004

TOWN OF DAVIE PROCUREMENT AUTHORIZATION

ACCOUNT NUMBER. 030-3004-522-6204 **BUDGET ITEM & DESCRIPTION** 04FIRE Eastside Fire Station **APPROXIMATE COST** \$2,250,000.00
Fire Prot. Srvcs. - BLDGS - NEW STA. - EAST
METHOD OF PROCUREMENT (check the one that applies)

☒ **Xxx** Open Competitive Bidding
☐ Piggyback on Contract Number _____
☐ Sole Source
☐ Request For Proposals

SPECIFICATIONS & LIST OF VENDORS MUST BE ATTACHED

Signed *Donald Stettin*
 Department Head

Have Funds been Reserved REQN. 31930

Date 8-17-04 Signed *Wm*

Signed *[Signature]*
 Town Administrator

BIDS SUBMITTED

VENDOR	COST
** D. POMPEO CONSTRUCTION CORPORATION	\$ 2,220,000.00
PINO KAIBA + ASSOCIATES, INC.	2,364,268.00
DOUBLE E CONTRACTING, INC.	2,437,600.00
N+J CONSTRUCTION	2,518,800.00
ABC CONSTRUCTION	2,637,280.00

*** THE PRICING SHOWN ABOVE IS THE COMPARATIVE PRICES FOR THE BASE BID PLUS ALTERNATES 1, 2, 3 AND 7.**

**** D. POMPEO CONSTRUCTION WAS DETERMINED TO BE A "NON-RESPONSIVE" BIDDER.**

Signed *[Signature]*
 Procurement Manager

BID SPECIFICATION COMMITTEE'S RECOMMENDATION

Vendor	Cost
- PINO KAIBA + ASSOCIATES, INC.	\$ 2,364,268.00

BID NAME: Cokes Roadside Station

TIME: 2:25pm

BID NUMBER: B-04-093

DATE: 12-21-04

ESTIMATED COST: \$2,250,000.00

NO.	CONTRACTOR'S NAME	BID AMOUNT	RANK
1.	ABC Construction	A. 2,331,000.00 B. 2,196,690.00	5
2.	Naf Construction	A. 2,310,000.00 B. 2,547,000.00	4
3.	Di Pompei Construction	A. 2,030,000.00 B. 2,250,000.00	1
4.	Double E Contracting	A. 2,240,000.00 B. 2,570,800.00	3
5.	Time Kaoba	A. 2,139,500.00 B. 2,393,252.00	2
6.			
7.			
8.			
9.			
10.			

REMARKS

A. Base
B. Base plus alternates

NOTE: THE ABOVE BID AMOUNTS HAVE NOT BEEN CHECKED, AND BID TOTALS ARE SUBJECT TO CORRECTION AFTER THE BIDS HAVE BEEN COMPLETELY REVIEWED.

THIS IS ONLY A FINANCIAL RANKING OF ALL THE BIDS RECEIVED. THE USING DEPARTMENT IS RESPONSIBLE FOR REVIEWING THE BIDS FOR COMPLIANCE WITH ALL THE BID SPECIFICATIONS PRIOR TO SUBMITTAL OF LETTER OF RECOMMENDATION.

PURCHASING OFFICIAL: Elma Badston

DATE: 12-21-04

WITNESS: _____

DATE: _____

MEMORANDUM

DATE: November 2, 2004

TO: Herb Hyman
Procurement Manager

THROUGH: Bruce Bernard
Director of Public Works / Capital Projects BB

FROM: Cheryl Dolin, R.A. CD
Project Manager, Capital Projects

RE: "Construct Oakes Road Fire Rescue Station"
Bid No. B-04-93

Upon examining the five bids received on Thursday, October 21, 2004 at approximately 2:00 p.m., it is our recommendation to award this contract to the second lowest bidder, **Pino Kaoba & Associates, Inc.** Their base bid was \$2,139,500.00. We would also recommend awarding Additive Alternates 1,2,3 , and 7. A description of the alternates follows:

Add Alternate No. 1	Furnish and Install Emergency Generator	\$138,460.00
Add Alternate No. 2	Storm Drainage System	\$ 72,738.00
Add Alternate No. 3	HVAC System for Storage Rooms on West Side	\$ 8,510.00
Add Alternate No. 7	Off -site Paving of Private Road	\$ 5,060.00
<u>Total of Selected Alternates</u>		<u>\$224,768.00</u>

The total bid award will then be **\$2,364,268.00.**

The lowest bid was from De Pompeo Construction Corporation, with a base bid of \$2,030,000.00 but was not accepted due to the fact that they did not submit a detailed Schedule of Values and List of Subcontractors which was required to be submitted with their bid. The Architect could not recommend awarding the project to De Pompeo without this information since they were unable to ascertain whether the bid included all of the contract requirements and whether the contractor was utilizing qualified subcontractors. De Pompeo Construction Corp. was not responsive to repeated requests that submit the required documentation. Therefore, Pino Kaoba was determined to be the lowest "responsive and responsible Bidder." The Project Architect concurs with this recommendation.

cc: Don DiPetrillo



November 3, 2004

Town of Davie
Capital Projects
6901 Orange Drive
Davie, Florida 33314

**Attention: Ms. Cheryl Dolin, RA
Project Manager**

**Reference: Construct Oakes Road Fire Rescue Station
C3TS Project No.: 0424-01
Bid No.: B-04-93**

Dear Ms. Dolin:

Pursuant to the Bids that were received on October 21, 2004 for the above project, please be advised that the lowest bidder was Di Pompeo Construction Corporation of Pompano Beach, Florida, who submitted a Base Bid in the amount of \$2,030,000.00. The second low bidder was Pino Kaoba & Associates, Inc. of Miami, Florida who submitted a Base Bid of \$2,139,500.00. A record of our efforts to verify both bidders' references and other pertinent items is attached to this letter.

The Contract Documents requested that the two low bidders submit Schedule of Values within twenty-four hours of the bid submittal. Both firms submitted the Schedule of Values, pages 9-11 of Document 00300 of the Contract Documents as part of their bids.

The Schedule of Values submitted by Di Pompeo Construction listed a number of items for which C3TS requested clarification. We therefore, requested that Di Pompeo resubmit the Schedule of Values by 2:00 pm on October 22, 2004. This revised Schedule of Values has not yet been received. Therefore, C3TS was unable to evaluate and substantiate Di Pompeo's "Schedule of Values" to see if the bid was responsive and inclusive of all the contractual requirements. Therefore, we consider Di Pompeo to be non-responsive.

The references and information obtained for Pino Kaoba & Associates, Inc. demonstrated that the Contractor's work is in an overall good standing and is recommended. Therefore, based on the attached reference information, we feel that Pino Kaoba & Associates, Inc. should be declared the lowest responsive bidder. The total project bid is \$2,364,268.00, which includes the Base Bid and Alternates 1, 2, 3 and 7.

Should you have any questions, or need additional information, please do not hesitate to contact our office at (305) 445-2900.

Sincerely,
Corzo Casatella Carballo Thompson Salman, P.A.

George H. Hohmann, AIA
Associate / Architect of Record

3996 NW 9th Avenue, Ft. Lauderdale, FL 33309 954.565.2113 800.448.0227 Facsimile 954.567.4079
www.c3ts.com Equal Opportunity Employer

A. Pino Kaoba & Associates, Inc.

1. Project: Renovation of Two Existing Buildings on Sunset Strip
Contact: Pedro Chaviano, City of Sunrise, Florida
(954) 572-2489

Results: This is an on-going project with the City. The project is within budget with the exception of owner generated change orders. They are a small family business and deal with the principals directly. Mr. Chaviano would highly recommend this contractor and would work with them again.
2. Project: Fire Stations for Miami-Dade County
Contact: Gianni Lehman, Miami-Dade Fire Rescue Department
(786) 331-4502

Results: The contractor has built five fire stations for them. The projects have been on time and within budget. The contractor perfectly understands the operations and construction of a Fire Station. Mr. Lehman strongly recommends this contractor.
3. Project: Plantation Fire Station No.2, Plantation Florida
Contact: Adnan "Danny" Ezzeddine, Project Manager, Plantation
(954) 797-2256

Results: The project was on time and a little under budget. The overall performance and quality of work is great. There were no schedule changes and are not claim oriented. The contractor works with the owner and the architect to make sure the project is completed to standards and offer solutions to problems without asking for change orders. Mr. Ezzeddine would highly recommend the contractor.
4. Project: USCG Stations in the Florida Keys,
Contact: Alberto Puig, Project Manager, USCG
(305) 278-6736

Results: The contractor worked on several projects for the Coast Guard. The quality of work was good and the projects were completed on time and within budget. They are a good company to work with.
5. Project: St. Kevin Catholic School Patio
Contact: Ms. Maria Carrera, Assistant Principal
(305) 227-7571

Results: The project was completed on time and within budget. The contractor cooperated with the school and provided excellent service and quality of work. The school and church continue to do work with the contractor.
6. Project: Cutler Ridge Park Medium Recreation Building
Contact: Orlando Meilan, Project Manager, Alleguez & Associates
(305) 461-4001 (Architects)

Results: The project was not completed on time or within budget, but it was due to inclement weather, unforeseen site conditions and owner requested changes. The overall performance is high and the quality of work is fine. They are good to work with; very approachable.

A. Di Pompeo Construction Corporation

1. Project: Fire Station #27, Wellington, Florida
 Contact: Charlie Latizza, Palm Beach County
 (561) 842-4317

Results: The project was completed on time and within budget, however the owner opened themselves up to change orders by making changes to the project. Di Pompeo Construction is a professional organization and Mr. Latizza would work with them again; however, they generate a great deal of paper work throughout the project.
2. Project: Southwest Community Center, Pompano Beach
 Contact: Clayton Young, Project Manager, Pompano Beach
 (954) 786-4029

Results: The project was completed on time and under budget. The overall performance was good, the quality of work was excellent and they coordinated the work and did not ask for change orders. Mr. Young would work with the contractor again, if they were the lowest bidder.
3. Project: Southwest Community Center, Pompano Beach
 Contact: Abass Zacaria, RA, Robert Walters Architect
 (954) 522-4123

Results: The project was not completed on time, however, time extensions were granted to the contractor. The bid was low and there were contractor, sub-contractor and owner generated change orders, but overall the bid was within budget. The quality of work and overall performance was fine and Mr. Zacaria would work with the contractor again.
4. Project: Piper High School Addition, Sunrise, Florida
 Contact: Doug Cole, Project Manager,
 Broward County School Board (954) 765-6389

Results: The project was completed within budget; however, it was not completed on time due to contractor delays. Mr. Cole was happy with their overall performance; however, it is based on the contractor's personnel working on this project. The School Board had an identical project at another school using a different Di Pompeo team, which did not perform as well.
5. Project: Boyd Anderson High School, Lauderhill, Florida
 Contact: Jack Cooper, Supervisor, Broward County School Board
 (954) 760-7451

Result: The project was delayed and over budget due to design errors. The overall performance and the quality of work was good, however, Mr. Cooper was not happy with the superintendent on site. He felt the superintendent was not capable of the project, but John Di Pompeo, Jr. was on the project to supplement the deficiencies. Mr. Cooper would work with the contractor again, if he was the low bidder. He also informed us that a good set of plans would make the job easier, if not, the contractor expects to be compensated for the deficiencies in the plans.

6. Project: Boynton Intracoastal Park, Boynton Beach, Florida
Contact: Dave Kelly, City Engineer, Boynton Beach
(561) 742-6489

Results: The project was not completed on time due to contractor delays and was not completed within budget due to numerous contractor change orders. The project manager would not work with this contractor again; they questioned all the items on the plans causing delays and continuously sent frivolous requests for information. The contractor changed the superintendent on the project four times without informing the City. Di Pompeo was the lowest bidder on the project, however, after checking references; staff did not recommend Di Pompeo. Di Pompeo hired an attorney and the City Council, against staff recommendations, awarded the project to Di Pompeo Construction. The project was supposed to be completed in nine months; however, it was delayed to twelve months. Di Pompeo only insured the project for nine months and the insurance company would not renew the project when it was delayed. The City had to cowrite the insurance for the Contractor in order to get the project completed.

7. Project: Volunteer Park, Plantation, Florida
Contact: Adnan "Danny" Ezzeddine, Project Manager, Plantation
(954) 797-2256

Results: The project is on-going; however, it is not on time. The project is within budget, because the client is controlling the budget. Di Pompeo Construction generates a large quantity of paper work on a daily basis and has taken the plans apart looking for discrepancies and change orders. Mr. Ezzeddine is not happy with their overall performance and would not recommend or work with the contractor again.

8. Project: Seminole Palms Aquatic Park and
Vista del Lago Fire Station, Palm Beach County
Contact: John Chesher, Palm Beach County, Director of
Capital Improvements Division (561) 233-1688

Results: Mr. Chesher would not answer questions over the phone, because the project was the subject of a claim. However, he would answer questions in writing. Mr. Chesher wrote: "Di Pompeo and its subcontractor's work was of good quality and workmanship; timely completed its punchlist work; performed change order work in good faith without waiting for formal change orders; timely responded to all warranty calls and that the project was the subject of a claim and that as part of the resolution of the claim the County has agreed and bound itself not to discuss any allegations of delays to the project."



Town of Davie
Construct Oakes Road Fire Rescue Station
Bid No. B-04-93
Schedule of Values
Document 00300, page 9-11 of 17

October 22, 2004

Description of Work	<i>DiPompeo Construction Corp</i>		<i>Pino Kaoba & Assoc.</i>	
	Scheduled Value	Name of Subcontractor	Scheduled Value	Name of Subcontractor
General Conditions	Balance of Bid	DiPompeo	70,800	Pino Kaoba
Earthwork	90,000	DiPompeo	19,000	t.b.d.
Termite Control	500	DiPompeo	1,050	Turner
Concrete	305,000	DiPompeo	incl. in carpentry	Pino Kaoba
Plant-Precast Structural Concrete	25,000	DiPompeo	31,225	SPI
Unit Masonry	70,000	DiPompeo	incl. in carpentry	Pino Kaoba
Structural Steel	150,000	DiPompeo	194,000	Adelman
Steel Joists	included	DiPompeo	included	Adelman
Rough Carpentry	15,000	DiPompeo	350,000	Pino Kaoba
Architectural Woodwork	10,000	B&S	14,681	Saez & Assoc.
Building Insulation	4,000	DiPompeo	2,900	Gale
Foamed in Place Insulation	3,000	DiPompeo	3,827	Tailored Foam
Firestopping	1,000	DiPompeo	680	
Standing Seam Roofing	150,000	Met Construction	180,000	Lavmar
Sheet Metal Flashing and Trim	included	Met Construction	included	Lavmar
Sealants	1,000	DiPompeo	750	Pino Kaoba
Steel Doors & Frames	15,000	DiPompeo	13,770	First Doors
Wood Doors	2,000	DiPompeo	5,610	First Doors

Description of Work	DiPompeo Construction Corp		Pino Kaoba & Assoc	
	Scheduled Value	Name of Subcontractor	Scheduled Value	Name of Subcontractor
Rolling Service Doors	25,000	DiPompeo	49,000	Overhead Door
Aluminum Storefront	45,000	DiPompeo	60,000	Brennan
Finish Hardware	15,000	DiPompeo	16,670	First Doors
Glass & Glazing	included	DiPompeo	incl. in Storefront	Brennan
Cement Plaster	25,000	DiPompeo	30,000	Pino Kaoba
Gypsum Board	65,000	DiPompeo	40,000	Pino Kaoba
Ceramic Tile	10,000	DiPompeo	11,500	Vassel Tile
Acoustical Ceilings	5,000	DiPompeo	6,930	Bergolla
Carpet	10,000	DiPompeo	10,236	Franklin Floor
Painting	35,000	DiPompeo	20,000	Thomas Paint
Toilet Partitions	7,000	DiPompeo	8,771	All Specialty
Signage	7,000	DiPompeo	6,978	All Specialty
Hydradraulic Elevator	36,000	Schindler	41,246	Thyssen Krup
Fire Extinguishers	400	DiPompeo	657	All Specialty
Plumbing	80,000	Maddrey	61,000	Caballero
HVAC	80,000	Air Install	48,000	Systems Air Inc.
Electrical	240,000	C&F Electric	283,000	Med Electric
Site Luminaires	included	C&F Electric	20,000	Med Electric
Testing & Structural Inspections	5,000	East Coast	2,500	Ardaman & Assoc.
As-Built Drawings by General Contractor To Architect	1,000	DiPompeo	850	Pino Kaoba
Miscellaneous		DiPompeo		



Town of Davie
Construct Oakes Road Fire Rescue Station
Bid No. B-04-93
Schedule of Values

October 22, 2004

Document 00300, page 9-11 of 17

Description of Work	DiPompeo Construction Corp		Pino Kaoba & Assoc.	
	Scheduled Value	Name of Subcontractor	Scheduled Value	Name of Subcontractor
General Conditions	Balance of Bid	DiPompeo	70,800	Pino Kaoba
Earthwork	90,000	DiPompeo	19,000	t.b.d.
Termite Control	500	DiPompeo	1,050	Turner
Concrete	305,000	DiPompeo	incl. in carpentry	Pino Kaoba
Plant-Precast Structural Concrete	25,000	DiPompeo	31,225	SPI
Unit Masonry	70,000	DiPompeo	incl. in carpentry	Pino Kaoba
Structural Steel	150,000	DiPompeo	194,000	Adelman
Steel Joists	included	DiPompeo	included	Adelman
Rough Carpentry	15,000	DiPompeo	350,000	Pino Kaoba
Architectural Woodwork	10,000	B&S	14,681	Saez & Assoc.
Building Insulation	4,000	DiPompeo	2,900	Gale
Foamed in Place Insulation	3,000	DiPompeo	3,827	Tailored Foam
Firestopping	1,000	DiPompeo	680	
Standing Seam Roofing	150,000	Met Construction	180,000	Lavmar
Sheet Metal Flashing and Trim	included	Met Construction	included	Lavmar
Sealants	1,000	DiPompeo	750	Pino Kaoba
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Wood Doors	2,000	DiPompeo	5,610	First Doors

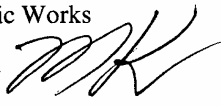
MONROE D. KIAR
TOWN ATTORNEY
TOWN OF DAVIE
6191 SW 45th Street, Suite 6151A
Davie, Florida 33314
(954) 584-9770

MEMORANDUM

DATE: November 3, 2004

TO: Cheryl Dolin, R.A, Project Manager, Capital Projects

CC: Mayor and Councilmembers
Chris Kovanes, Interim Town Administrator
Bruce Bernard, Director of Public Works

FROM: Monroe D. Kiar, Town Attorney 

RE: Oakes Road Fire Station – Project Award to Contractor
Control Number: 031105

TOWN OF DAVIE
2004 NOV -4 P 3:20
ADM. SVC. DEPT.

Pursuant to your request, this office has reviewed your memorandum of November 1, 2004 regarding the award of the Oakes Road Fire Station project. As you indicated, a resolution has been submitted to the Town Council for the Council's approval naming Di Pompeo Construction Corporation as the lowest responsive bidder for the contract. You further indicated that you requested Di Pompeo to provide you with a detailed list of the subcontractors that Di Pompeo would be utilizing during the construction of the project but Di Pompeo has not responded to your repeated requests for the transmittal of those specifications. Due to the above stated circumstances, your office has requested the Town Attorney's Office to issue a legal opinion as to whether the Town would be able to reject Di Pompeo's bid as non-responsive and whether such action would likely prompt Di Pompeo to take legal action against the Town.

With regard to the latter question, it cannot be determined whether Di Pompeo would itself file suit against the Town for rejecting its bid. However, if such action is undertaken by Di Pompeo within the courts of Florida, Di Pompeo would likely be required to provide information evidencing that the Town's decision to reject its bid deprived it of its right to substantive due process by taking away its property rights to be awarded the bid as the lowest bidder. As you know, Chapter 255, F.S stipulates that public building projects that are awarded based on price must be awarded to the lowest qualified and responsive bidder. As indicated by the terms therein, potential contractors are required to be both qualified and responsive bidders and not merely the lowest bidder in order to obtain an award of contract from a governmental entity. In the present situation, you have indicated that Di Pompeo has not been responsive in providing to the Town, detailed information pertaining to the subcontractors that Di Pompeo would utilize

during the construction of the project. Although the pertinent case law indicate that the requirements and terms stipulated within Chapter 255, F.S and § 255.20 have not been frequently addressed by state courts, this office has uncovered federal case law within Florida interpreting these statutes that indicate that the Town would be within its right to reject the present bid as no property rights have been created.

The Federal District Court for the Northern District of Florida issued a ruling in *T & A Utilities v. City of Panama City* which substantially mirrors the facts in the situation at bar. *T & A Utilities v. City of Panama City*, 10 Fla. L. Weekly Fed. D 484, (N.D Fla., 1997). In the above stated case, the plaintiff claimed that the provisions of § 255.20(1) created property rights for the plaintiff and the City was thereby prohibited from rejecting its bid. Within its opinion, the court cited several decisions of other circuits that have concluded that no property rights are created when a municipality has the discretion to reject any and all bids and is given no guidelines for determination of "responsible bidder". The Court further held that neither the City ordinance nor the Florida statutes set forth procedural standards or prerequisites for the competitive bidding process and due to the fact that the City explicitly stated in its invitation for bids that it "reserves the right to reject any one or all bids" ...no protected property interest arises under the statute or the ordinance. Upon review of the case law, the case law is clear that where the municipality has the discretion to reject all bids and no procedural guidelines are indicated within the statutes to determine whether a bid is responsive or responsible, no property rights are created and the bidder cannot make a claim for the denial of its substantive due process rights.

In the present case, the Town specifically stated within the Notice to Bidders and Section 18.1 of the Bid Specifications that "the Owner reserves the right to reject any and all bids". Additionally, your memorandum indicates that Di Pompeo has not been responsive in providing you with detailed information pertinent to its subcontractors after being requested to provide such information on numerous occasions. It should also be noted that Di Pompeo has not been selected by the Town Council as the lowest responsive and responsible bidder and thus no contractual relationship exists between the Town and the bidder. Accordingly, due to the plenary discretion given to the Town in rejecting any and all bids, it is the opinion of this office that the Town may reject Di Pompeo's bid.

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